



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0570

Introduced 1/27/2005, by Rep. Robert W. Churchill

SYNOPSIS AS INTRODUCED:

230 ILCS 10/3

from Ch. 120, par. 2403

230 ILCS 10/7

from Ch. 120, par. 2407

Amends the Riverboat Gambling Act. Provides that any owners license and any riverboat home dock relocation authorized on or after the effective date of this amendatory Act of the 94th General Assembly shall not authorize the conduct of riverboat gambling operations from a home dock that is located within the boundaries of a redevelopment project area under the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Effective immediately.

LRB094 03629 LRD 33634 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning gambling.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Riverboat Gambling Act is amended by
5 changing Sections 3 and 7 as follows:

6 (230 ILCS 10/3) (from Ch. 120, par. 2403)

7 Sec. 3. Riverboat Gambling Authorized.

8 (a) Riverboat gambling operations and the system of
9 wagering incorporated therein, as defined in this Act, are
10 hereby authorized to the extent that they are carried out in
11 accordance with the provisions of this Act.

12 (b) This Act does not apply to the pari-mutuel system of
13 wagering used or intended to be used in connection with the
14 horse-race meetings as authorized under the Illinois Horse
15 Racing Act of 1975, lottery games authorized under the Illinois
16 Lottery Law, bingo authorized under the Bingo License and Tax
17 Act, charitable games authorized under the Charitable Games Act
18 or pull tabs and jar games conducted under the Illinois Pull
19 Tabs and Jar Games Act.

20 (c) Riverboat gambling conducted pursuant to this Act may
21 be authorized upon any water within the State of Illinois or
22 any water other than Lake Michigan which constitutes a boundary
23 of the State of Illinois, provided that any owners license
24 issued on or after the effective date of this amendatory Act of
25 the 94th General Assembly and any riverboat home dock
26 relocation authorized on or after the effective date of this
27 amendatory Act of the 94th General Assembly shall not authorize
28 the conduct of riverboat gambling operations from a home dock
29 that is located within the boundaries of a redevelopment
30 project area under the Tax Increment Allocation Redevelopment
31 Act in the Illinois Municipal Code. A licensee may conduct
32 riverboat gambling authorized under this Act regardless of

1 whether it conducts excursion cruises. A licensee may permit
2 the continuous ingress and egress of passengers for the purpose
3 of gambling.

4 (Source: P.A. 91-40, eff. 6-25-99.)

5 (230 ILCS 10/7) (from Ch. 120, par. 2407)

6 Sec. 7. Owners Licenses.

7 (a) The Board shall issue owners licenses to persons, firms
8 or corporations which apply for such licenses upon payment to
9 the Board of the non-refundable license fee set by the Board,
10 upon payment of a \$25,000 license fee for the first year of
11 operation and a \$5,000 license fee for each succeeding year and
12 upon a determination by the Board that the applicant is
13 eligible for an owners license pursuant to this Act and the
14 rules of the Board. A person, firm or corporation is ineligible
15 to receive an owners license if:

16 (1) the person has been convicted of a felony under the
17 laws of this State, any other state, or the United States;

18 (2) the person has been convicted of any violation of
19 Article 28 of the Criminal Code of 1961, or substantially
20 similar laws of any other jurisdiction;

21 (3) the person has submitted an application for a
22 license under this Act which contains false information;

23 (4) the person is a member of the Board;

24 (5) a person defined in (1), (2), (3) or (4) is an
25 officer, director or managerial employee of the firm or
26 corporation;

27 (6) the firm or corporation employs a person defined in
28 (1), (2), (3) or (4) who participates in the management or
29 operation of gambling operations authorized under this
30 Act;

31 (7) (blank); or

32 (8) a license of the person, firm or corporation issued
33 under this Act, or a license to own or operate gambling
34 facilities in any other jurisdiction, has been revoked.

35 (b) In determining whether to grant an owners license to an

1 applicant, the Board shall consider:

2 (1) the character, reputation, experience and
3 financial integrity of the applicants and of any other or
4 separate person that either:

5 (A) controls, directly or indirectly, such
6 applicant, or

7 (B) is controlled, directly or indirectly, by such
8 applicant or by a person which controls, directly or
9 indirectly, such applicant;

10 (2) the facilities or proposed facilities for the
11 conduct of riverboat gambling;

12 (3) the highest prospective total revenue to be derived
13 by the State from the conduct of riverboat gambling;

14 (4) the extent to which the ownership of the applicant
15 reflects the diversity of the State by including minority
16 persons and females and the good faith affirmative action
17 plan of each applicant to recruit, train and upgrade
18 minority persons and females in all employment
19 classifications;

20 (5) the financial ability of the applicant to purchase
21 and maintain adequate liability and casualty insurance;

22 (6) whether the applicant has adequate capitalization
23 to provide and maintain, for the duration of a license, a
24 riverboat;

25 (7) the extent to which the applicant exceeds or meets
26 other standards for the issuance of an owners license which
27 the Board may adopt by rule; and

28 (8) The amount of the applicant's license bid.

29 (c) Each owners license shall specify the place where
30 riverboats shall operate and dock.

31 (d) Each applicant shall submit with his application, on
32 forms provided by the Board, 2 sets of his fingerprints.

33 (e) The Board may issue up to 10 licenses authorizing the
34 holders of such licenses to own riverboats. In the application
35 for an owners license, the applicant shall state the dock at
36 which the riverboat is based and the water on which the

1 riverboat will be located. The Board shall issue 5 licenses to
2 become effective not earlier than January 1, 1991. Three of
3 such licenses shall authorize riverboat gambling on the
4 Mississippi River, or, with approval by the municipality in
5 which the riverboat is docked on August 7, 2003, ~~the effective~~
6 ~~date of this amendatory Act of the 93rd Assembly,~~ in a
7 municipality that (1) borders on the Mississippi River or is
8 within 5 miles of the city limits of a municipality that
9 borders on the Mississippi River and (2), on August 7, 2003,
10 ~~the effective date of this amendatory Act of the 93rd General~~
11 ~~Assembly,~~ has a riverboat conducting riverboat gambling
12 operations pursuant to a license issued under this Act;⁷ one of
13 which shall authorize riverboat gambling from a home dock in
14 the city of East St. Louis. One other license shall authorize
15 riverboat gambling on the Illinois River south of Marshall
16 County. The Board shall issue one additional license to become
17 effective not earlier than March 1, 1992, which shall authorize
18 riverboat gambling on the Des Plaines River in Will County. The
19 Board may issue 4 additional licenses to become effective not
20 earlier than March 1, 1992. In determining the water upon which
21 riverboats will operate, the Board shall consider the economic
22 benefit which riverboat gambling confers on the State, and
23 shall seek to assure that all regions of the State share in the
24 economic benefits of riverboat gambling.

25 In granting all licenses, the Board may give favorable
26 consideration to economically depressed areas of the State, to
27 applicants presenting plans which provide for significant
28 economic development over a large geographic area, and to
29 applicants who currently operate non-gambling riverboats in
30 Illinois. However, beginning on the effective date of this
31 amendatory Act of the 94th General Assembly, the Board may not
32 grant an owners license that authorizes the conduct of
33 riverboat gambling operations from a home dock that is located
34 within the boundaries of a redevelopment project area under the
35 Tax Increment Allocation Redevelopment Act in the Illinois
36 Municipal Code. The Board shall review all applications for

1 owners licenses, and shall inform each applicant of the Board's
2 decision. The Board may grant an owners license to an applicant
3 that has not submitted the highest license bid, but if it does
4 not select the highest bidder, the Board shall issue a written
5 decision explaining why another applicant was selected and
6 identifying the factors set forth in this Section that favored
7 the winning bidder.

8 In addition to any other revocation powers granted to the
9 Board under this Act, the Board may revoke the owners license
10 of a licensee which fails to begin conducting gambling within
11 15 months of receipt of the Board's approval of the application
12 if the Board determines that license revocation is in the best
13 interests of the State.

14 (f) The first 10 owners licenses issued under this Act
15 shall permit the holder to own up to 2 riverboats and equipment
16 thereon for a period of 3 years after the effective date of the
17 license. Holders of the first 10 owners licenses must pay the
18 annual license fee for each of the 3 years during which they
19 are authorized to own riverboats.

20 (g) Upon the termination, expiration, or revocation of each
21 of the first 10 licenses, which shall be issued for a 3 year
22 period, all licenses are renewable annually upon payment of the
23 fee and a determination by the Board that the licensee
24 continues to meet all of the requirements of this Act and the
25 Board's rules. However, for licenses renewed on or after May 1,
26 1998, renewal shall be for a period of 4 years, unless the
27 Board sets a shorter period.

28 (h) An owners license shall entitle the licensee to own up
29 to 2 riverboats. A licensee shall limit the number of gambling
30 participants to 1,200 for any such owners license. A licensee
31 may operate both of its riverboats concurrently, provided that
32 the total number of gambling participants on both riverboats
33 does not exceed 1,200. Riverboats licensed to operate on the
34 Mississippi River and the Illinois River south of Marshall
35 County shall have an authorized capacity of at least 500
36 persons. Any other riverboat licensed under this Act shall have

1 an authorized capacity of at least 400 persons.

2 (i) A licensed owner is authorized to apply to the Board
3 for and, if approved therefor, to receive all licenses from the
4 Board necessary for the operation of a riverboat, including a
5 liquor license, a license to prepare and serve food for human
6 consumption, and other necessary licenses. All use, occupation
7 and excise taxes which apply to the sale of food and beverages
8 in this State and all taxes imposed on the sale or use of
9 tangible personal property apply to such sales aboard the
10 riverboat.

11 (j) The Board may issue or re-issue a license authorizing a
12 riverboat to dock in a municipality or approve a relocation
13 under Section 11.2 only if, prior to the issuance or
14 re-issuance of the license or approval, the governing body of
15 the municipality in which the riverboat will dock has by a
16 majority vote approved the docking of riverboats in the
17 municipality. The Board may issue or re-issue a license
18 authorizing a riverboat to dock in areas of a county outside
19 any municipality or approve a relocation under Section 11.2
20 only if, prior to the issuance or re-issuance of the license or
21 approval, the governing body of the county has by a majority
22 vote approved of the docking of riverboats within such areas.

23 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;
24 93-453, eff. 8-7-03; revised 1-27-04.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.